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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,621	09/29/2003	Michael Roydon Puzey	2003_1353A	6255

513 7590 06/07/2004

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WASHINGTON, DC 20006-1021

EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,621

Applicant(s)

PUZEY, MICHAEL ROYDON

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15 and 19 is/are rejected.
- 7) ☒ Claim(s) 8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. A Preliminary Amendment was filed 9/29/03.
2. The Abstract is not present in the file, and should be submitted on a separate sheet.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 10 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As best understood from the Spec (paragraph 30), the actuator 74 does not apply a braking force, although it moves with brake pedal 30.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai 6120044.

Tsai discloses a support assembly for wheel 41 of a vehicle (scooter), the vehicle including

Base 6,

Column 32 mounted for movement relative to the base between traveling (fig 1) and storage (fig 6) positions,

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Locking assembly (figs 1, 4, 5) including

Connecting member 54 pivotally (pivot 540) connecting the column to the base,

Locking member 522 engageable with first formation (first depression 721) to retain the wheel in the traveling position,

And with second formation (second depression 721) for the storage position,

Interlock component 72 movable from a first position (pin 522 is disengaged from depression 721), and a second (pin is engaged within depression) position, that prevents/effects disengagement from the first formation, respectively,

Actuator 53 movable from a rest position along a release path (unidentified curve on 53 adjacent pivot rod 520) to the storage position,

Including bias member 71 towards the rest position.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in view of Forse 1611307.

Tsai does not disclose a stand movable between inoperative/operative positions when a column is moved respectively, while Forse exemplifies this element 40, movable when (seat) column 31 is moved (figs 1 and 2). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Forse, to provide stability for the scooter when it is inoperative.

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B. **Claims 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in view of Patmont et al 6609584.

Tsai does not disclose a tank, while Patmont shows this element 204. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include a tank, as shown in Patmont, to permit motorized propulsion for the foldable scooter, and thus increase applicability.

6. ALLOWABLE SUBJECT MATTER

a. **Claims 9, 10 and 19** (9 and 19 as best understood) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

b. **Claims 8 and 16-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

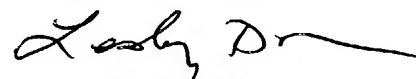

Prior art does not disclose a scooter comprising the abovementioned elements, and where the interlock component and actuator move in opposite directions.

7. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Tung 6428021, Tsai 6206387, Wu 6182988, Lee 6173976.

8. Communication with USPTO/Examiner

Any inquiry concerning this communication should be directed to Ms. Lum at 703 305-0232, M-F, 830-530. Our fax number is 703 872-9306. Any inquiry of a general nature, or relating to the status of this application/proceeding, should be directed to Customer Service at 703 306-5771.

Ms. Lee S. Lum
Examiner
5/25/04



LESLEY D. MORRIS
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